## REMARKS

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and for the remarks made herein.

Claims 1-8 are pending and stand rejected.

Claims 1-8 have been amended.

The Examiner has rejected claims 1-8 under 35 USC 103(a) as allegedly being obvious in view of Kim (USP no. 7,189,910) in view of Shi (USP no. 7,245,628). In maintaining the rejection of the claims, the Examiner acknowledges that Kim fails to disclose that the weight information is used in the determination of proportional bandwidth calculation is representative of a priority associated with a service class specified by said ONU and refers to Shi for teaching an evaluation function that considers the weight of an ONU.

Applicant respectfully disagrees and explicity traverses the rejection of the clams. However, in the interst of advancing the prosecution of this matter, the the independent claims have been amended to present the subject matter claimed in a better form. Specifically, the claims have been amended to recite that the bandwidth proportionally allocated to an individual ONU or queue is limited to the bandwidth requested by the individual ONU or queue. No new matter has been added. Support for the amendment may be found at least on page 12, lines 15-17.

With regard to the proportional allocation of bandwidth by Kim, Kim discloses that all of the ONUs being allocated a bandwidth, regardless of the requested bandwidth. See for example, "in the case when all the fixed bandwidths of all the ONUs is not larger than the available link capacity and additionally allocating remaining bandwidth to the ONUs proportionally to the dynamic bandwidths, if the sum of the maximum bandwidths is larger than the available link capacity and allocating bandwidth to each of the ONUs such that the entire bandwidth to be allocated to each of the ONUs is equal to the maximum bandwidth and equally allocating remaining bandwidth to the ONUs by the same amount if the sum of the maximum bandwidths is not larger than the available link capacity (see col. 2, lines 30-31).

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Hence, Kim teaches the equal allocation of bandwidth to all ONUs, without considering whether the additional bandwidth would cause allocation of a greater amount of bandwidth than requested by the ONU (or in the case of processing by the ONU to the requesting queue). Shi teaches the evaluation algorithm using a weight factor but fails to consider the case when the weight factor causes a greater quality to be allocated than is requested.

Under U.S. patent law, a claim is not obvious over one or more prior art references unless the prior art references, alone or in combination, teaches all the features recited in the claim or it would be generally known in the art.
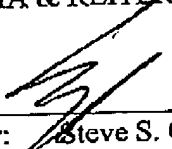
Neither Kim nor Shi teach or suggest that in the consideration of proportionally allocating bandwidth the proportionally allocated bandwidth, (which is based on weight factors) being limited to the requested bandwidth. Hence, the combination of Kim and Shi fails to render obvious the invention claimed as the combination fails to teach all the elements recited in the claims.

For all the foregoing reasons, it is respectfully submitted that all the present claims, which are independent claims, are patentable in view of the cited references and respectfully requests that all the rejections be withdrawn. A Notice of Allowance is respectfully requested.

Respectfully submitted,

CHA & REITER, LLC

Date:  October 1, 2008

By:   Steve S. Cha
Attorney for Applicants

Mail all correspondence to:
CHA & REITER, LLC
210 Route 4 East, #103
Paramus, NJ 07652
Phone: (201) 226-9245
Fax:    (201) 226-9246

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